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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 VALERIE ANN MOROLES,

12 Plaintiff,

13 v.

14 COMMISSIONER OF SOCIAL
15 SECURITY,

16 Defendant.
17

Case No. 1:25-cv-00809-BAM

ORDER DIRECTING CLERK OF COURT TO
RANDOMLY ASSIGN DISTRICT JUDGE

FINDINGS AND RECOMMENDATIONS
RECOMMENDING PLAINTIFF'S
APPLICATION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS BE DENIED

(Docs. 2, 4)

FOURTEEN (14) DAY DEADLINE

18
19 On July 3, 2025, Plaintiff Valerie Ann Moroles, through counsel, filed this action seeking
20 judicial review of a final decision of the Commissioner of the Social Security Administration.

21 (Doc. 1.) Plaintiff did not pay the filing fee and instead filed an application to proceed *in forma*
22 *pauperis* pursuant to 28 U.S.C. § 1915. (Doc. 2.) On July 7, 2025, the Court ordered Plaintiff to
23 complete and file a long form application as Plaintiff's application was insufficient for the Court
24 to determine if Plaintiff was entitled to proceed without prepayment of fees in the action, noting
25 that Plaintiff reports that in the past 12 months she has received income from (a) disability or
26 workers compensation payments and (b) other sources, but has not stated the amount that she
27 received from disability or workers compensation payments and what she expects to receive in
28 the future, as required by the application. (Doc. 3.) On July 25, 2025, Plaintiff filed a long form

1 motion to proceed *in forma pauperis*. (Doc. 4.)

2 According to Plaintiff's long form application, her spouse receives monthly income from
3 employment in the amount of \$3,300 per month. (Doc. 4 at 2.) This amounts to an annual
4 income of \$39,600 (\$3300 x 12 months).

5 "To satisfy the requirements of 28 U.S.C. § 1915, applicants must demonstrate that
6 because of poverty, they cannot meet court costs and still provide themselves, and any
7 dependents, with the necessities of life." *Soldani v. Comm'r of Soc. Sec.*, No. 1:19-cv-00040,
8 2019 WL 2160380, at *1 (E.D. Cal. Jan. 31, 2019). Many courts look to the federal poverty
9 guidelines set by the United States Department of Health and Human Services ("HHS") as a
10 guidepost in evaluating *in forma pauperis* applications. *See Martinez v. Kristi Kleaners, Inc.*, 364
11 F.3d 1305, 1307 n.5 (11th Cir. 2004); *Boulas v. United States Postal Serv.*, No. 1:18-cv-01163-
12 LJO-BAM, 2018 WL 6615075, at *1 (E.D. Cal. Nov. 1, 2018) (applying federal poverty
13 guidelines to *in forma pauperis* application). For a family or household of two, the 2025 poverty
14 guideline is \$21,150. *See U.S. Federal Poverty Guidelines Used to Determine Financial*
15 *Eligibility for Certain Federal Programs*, available at [https://aspe.hhs.gov/topics/poverty-](https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines)
16 [economic-mobility/poverty-guidelines](https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines) (last visited July 28, 2025).

17 Having considered Plaintiff's application, the Court finds that she has not made the
18 showing required by section 1915 that she is unable to pay the required fees for this action.
19 Plaintiff has attested to household employment income that is well above the federal poverty
20 guidelines. (Doc. 4.) In light of this, there is no indication that Plaintiff is unable to pay the filing
21 fee while also providing for the necessities of life. Accordingly, the Clerk of the Court is
22 HEREBY DIRECTED to randomly assign a District Judge to this action.

23 Furthermore, it is HEREBY RECOMMENDED that:

- 24 1. Plaintiff's application to proceed without prepayment of fees and costs (Docs. 2, 4) be
25 DENIED; and
- 26 2. Plaintiff be required to pay the \$405.00 filing fee in full to proceed with this action.

27 These findings and recommendations are submitted to the United States District Judge
28 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within **fourteen**

(14) days after being served with these findings and recommendations, Plaintiff may file written objections with the Court. The document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” **Objections, if any, shall not exceed fifteen (15) pages or include exhibits. Exhibits may be referenced by document and page number if already in the record before the Court. Any pages filed in excess of the 15-page limit may not be considered.** The parties are advised that failure to file objections within the specified time may result in the waiver of the “right to challenge the magistrate’s factual findings” on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 838–39 (9th Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

IT IS SO ORDERED.

Dated: July 28, 2025

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE